

1 MARK D. FOWLER, Bar No. 124235
mark.fowler@dlapiper.com
2 DAVID ALBERTI, Bar No. 220625
david.alberti@dlapiper.com
3 CHRISTINE K. CORBETT, Bar No. 209128
christine.corbett@dlapiper.com
4 YAKOV M. ZOLOTOREV, Bar No. 224260
yakov.zolotorev@dlapiper.com
5 CARRIE L. WILLIAMSON, Bar No. 230873
carrie.williamson@dlapiper.com

6 DLA PIPER US LLP
7 2000 University Avenue
East Palo Alto, CA 94303-2214
8 Tel: 650.833.2000
Fax: 650.833.2001

9 Attorneys for Plaintiff,
10 Sun Microsystems, Inc.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 SUN MICROSYSTEMS, INC., a Delaware
corporation,

16 Plaintiff,

17 v.

18 NETWORK APPLIANCE, INC.,

19 Defendant.
20

CASE NO. C-08-1641 EMC

PROOF OF SERVICE

21 I am a resident of the State of California, over the age of eighteen years, and not a party to
22 the within action. My business address is DLA Piper US LLP, 2000 University Avenue, East
23 Palo Alto, California 94303-2214. On April 2, 2008, I served the within documents:

RELATED CASE ORDER



by transmitting via facsimile the document(s) listed above to the fax number(s) set
26 forth below on this date before 5:00 p.m.

- 1 ☐ by placing the document(s) listed above in a sealed envelope with postage thereon
2 fully prepaid, in the United States mail at East Palo Alto, California addressed as
3 set forth below.
- 4 ☐ by personally delivering the document(s) listed above to the person(s) at the
5 address(es) set forth below.
- 6 ☒ by transmitting via the internet the document(s) listed above to the e-mail
7 addressee(s) as set forth below.

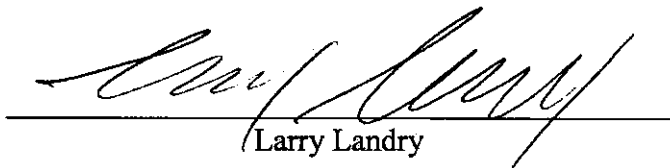
8 **Attorney for Network Appliance, Inc.**

9 Jeffrey G. Homrig, Esq.
10 Edward R. Reines, Esq.
11 Weil Gotshal & Manges
12 201 Redwood Shores Parkway
13 Redwood Shores, CA 94065
14 Tel: (650) 802-3000
15 Fax: (650) 802-3100
16 Email: *netapp_service@weil.com*

17 I am readily familiar with the firm's practice of collection and processing correspondence
18 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
19 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
20 motion of the party served, service is presumed invalid if postal cancellation date or postage
21 meter date is more than one day after date of deposit for mailing in affidavit.

22 I declare that I am employed in the office of a member of the Bar of or permitted to
23 practice before this Court at whose direction the service was made.

24 Executed on April 2, 2008, at East Palo Alto, California.

25
26
27
28

Larry Landry

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

[PROPOSED] RELATED CASE ORDER

A Notice of Related Cases has been filed that the following cases are related within the meaning of Civil L.R. 3-12(b):

C07-05488 EDL *Sun Microsystems, Inc. v. Network Appliance, Inc.*

C07-06053 EDL *Network Appliance, Inc. v. Sun Microsystems, Inc.*

C08-01641 EMC *Sun Microsystems, Inc. v. Network Appliance, Inc.*

ORDER

On the basis of the material submitted to the Court, as the Judge assigned to the earliest filed case, I find that the cases:

☐ **ARE NOT RELATED** as defined by Civil L.R. 3-12(b)

☒ **ARE RELATED** as defined by Civil L.R. 3-12(b). Pursuant to Civil L.R. 3-12(e), the Clerk of the Court is ordered to reassign the later-filed action to the undersigned. Counsel are instructed that all future filings are to bear the initials _____ immediately after the case number. All matters presently scheduled for hearing in the reassigned case(s) are vacated and must be renoticed for hearing before the undersigned.

DATED: March 31, 2008

Elijah D. Leports
MAGISTRATE
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify that on the date stated below, I lodged a copy of this Order with each judicial officer and I mailed a copy to each counsel of record in the cases listed above.

DATED: April 1, 2008, 2008

By Gili Marshall